SANTA CLARA VALLEY WATER DISTRICT

ADDENDUM TO THE FINAL ENVIRONMENT IMPACT REPORT FOR THE LOWER GUADALUPE RIVER FLOOD PROTECTION PROJECT

February 2006

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Tidal Wetland Mitigation/Restoration Project
(Island Ponds)
PROJECT NO. 00044029

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1. INTRODUCTION

The Santa Clara Valley Water District (District) is proposing to alter mitigation commitments from the Final Environmental Impact Report (EIR) for the Lower Guadalupe River Flood Protection Project (LGRP). The EIR determined that project impacts to freshwater and tidal wetlands required compensatory mitigation. The EIR is hereby incorporated by reference.[1] The EIR identified Pond A4 as the location where the District would restore tidal wetlands. Feasibility analyses conducted since the EIR was adopted indicate that Pond A4 presents technical challenges for tidal wetland mitigation and a more viable alternative has been identified via the South Bay Salt Ponds Initial Stewardship Plan in the Island Ponds.

The District proposes to transfer the tidal wetland commitment from Pond A4 to the Island Ponds (Figure 1), which is expected to accomplish an equivalent or better ecological outcome.

2. CEQA CONSIDERATIONS

Once the CEQA review for a project has been conducted and the lead agency has adopted its findings with respect to impacts and proposed mitigations, these decisions need no additional review per CEQA. The lead agency's role has been fulfilled unless there are changes to the project and further actions are necessary that involve the exercise of the lead agency's discretion regarding the project.

When there are changes to a project, and a discretionary action is required of the lead agency, CEQA provides various levels of documentation to indicate that the lead agency has adequately considered the changes to the project in making its decisions. The appropriate level of review is based on whether changes:

- to the project, or
- to project circumstances, or
- resulting from new information not known at the time of approval of the original project,

create new significant effects or a substantial increase in the severity of previously identified effects. If one or more of the above criteria is met, then a subsequent document is required by CEQA Guidelines §15162. If none of the above conditions result in the creation or increase of a significant impact, then an Addendum should be prepared per CEQA Guidelines §15164.

As described in detail in the following sections, the proposed changes meet the criteria of "no new impacts or a substantial increase in the severity of previously identified effect", thus the proposed change is appropriately addressed by an Addendum. The change to the location of the mitigation site will result in equivalent compensatory mitigation to the impacts identified in the EIR. Environmental impacts from the restoration of the Island Ponds were analyzed in an Environmental Impact Report for the South Bay Salt Ponds Initial Stewardship Plan prepared

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[1] *Final Environment Impact Report for the Lower Guadalupe River Flood Protection Project,*, Santa Clara Valley Water District, June 6, 2002. Available for review at the District Library, 5750 Almaden Expressway, San Jose, CA 95118; (408) 265-2600.

and approved by the United States Fish and Wildlife Service and the California Department of Fish and Game. The District adopted this document as a Responsible Agency under CEQA.[2]

The District prepared this Addendum to document and discuss the proposed modification and the resulting mitigation to be achieved. The overall effect of the modification is minor, and does not change the recommendations made in the EIR, nor does it require a revision of the findings.

An Addendum need not be circulated for public review, but CEQA requires that the decision-making body consider an Addendum, together with the adopted EIR, prior to making a decision on the modifications.

3. DESCRIPTION OF PROPOSED ACTION

The District approved mitigation for tidal wetlands in the EIR to compensate for impacts to freshwater and tidal wetlands. The District proposes to remove the reference to Pond A4, and replace it with the Island Ponds as the location for tidal wetland restoration. A second change is to the type of tidal wetlands to be provided. The EIR states that freshwater tidal habitat will be provided by the District. The District proposes to delete the reference to a specific type of tidal habitat (freshwater tidal habitat), but will still be providing tidal wetland habitat.

4. ENVIRONMENTAL ANALYSIS

The EIR included mitigation to compensate for the significant impacts of sediment and vegetation management activities associated with the LGRP project. This Addendum alters the location of tidal wetland restoration, but does not change the significance criteria or impact analyses which are the basis for establishing the mitigation commitment.

The District committed to providing a total of 35.53 acres of tidal freshwater wetland at Pond A4 in the EIR. The commitment includes mitigation for permanent impacts to tidal wetlands at a 2:1 ratio, temporary impacts to tidal wetlands at a 1:1 ratio, impacts to non-tidal wetlands at an out-of-kind ratio of 2:1, and temporary and permanent impacts to tidal wetlands associated with the construction of an overflow weir to Pond A8W.

The District is committed to providing compensatory tidal wetland to offset impacts associated with the LGRP. The District had a study[3] prepared to evaluate the potential to provide tidal wetlands at the Island Ponds versus Pond A4. The study concluded that approximately 475 acres of tidal marsh can be restored in the Island Ponds; that the habitat is of far greater value to the sensitive species than habitat impacted by the LGRP; more tidal marsh can be restored in the Island Ponds than in Pond A4; and restoration should occur in a shorter amount of time.

The EIR states that the District will provide *freshwater* tidal wetlands at Pond A4. The Restoration of the Island Ponds is expected to provide tidal *brackish-salt* marsh. According to the study, both tidal brackish-salt marsh and tidal freshwater marsh vegetation are expected to

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[2] Resolution 05-55, July 5, 2005

[3] *Island Ponds Tidal Marsh Establishment Projections Final Report,* H.T. Harvey and Associates , January 14, 2005

provide similar functions and values as a wetland habitat. The brackish-salt marsh to be restored in the Island Ponds has the added benefit of providing habitat necessary for the state and federally listed California Clapper Rail and California Black Rail.

Based on the findings of the report, the District can better fulfill its mitigation commitment at the Island Ponds in lieu of Pond A4. Restoration of the Island Ponds will compensate for the impacts to tidal wetlands identified in the EIR.

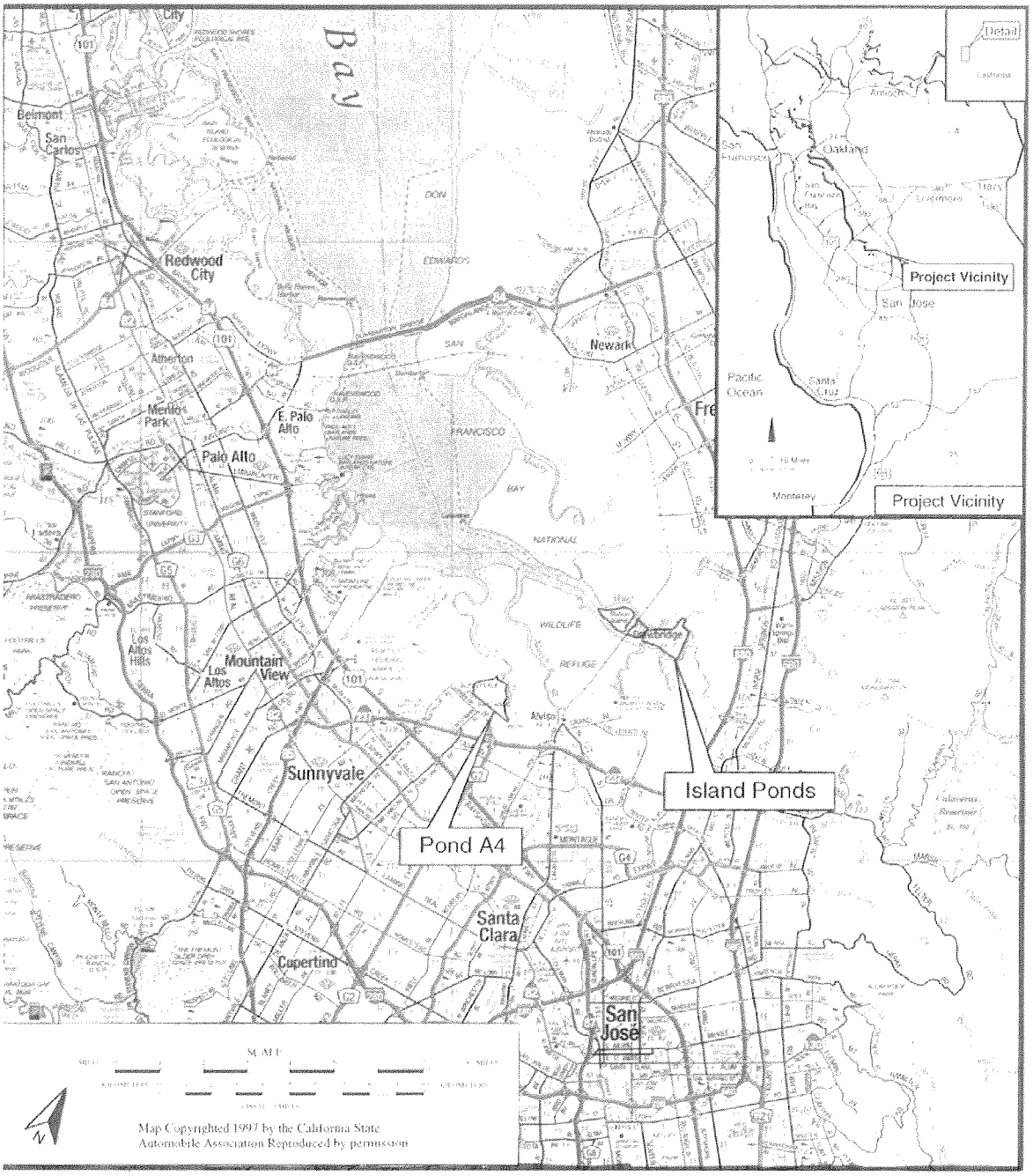

Figure 1. Pond A4 and Island Ponds location map (source: H.T. Harvey & Associates, 2005)